

# The Orissa Gazette



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## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 3rd December 2007

No. 13049-li-1(J)-14/2003 (Pt.)-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 20th July 2007 in Industrial Dispute Case No. 15 of 2003 of the Presiding Officer, Labour Court, Jeypore to whom the industrial disputes between the Management of Sanjaya Memorial Institute of Technology, Ankuspur, Ganjam and its workman Shri Mochia Naik was referred for adjudication is hereby published as in the Schedule below :

### SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER  
LABOUR COURT, JEYPORE, KORAPUT

INDUSTRIAL DISPUTE CASE No. 15 OF 2003

Dated the 20th July 2007

*Present:*

Shri G. K. Mishra, o.s.j.s. (Jr. Branch)  
Presiding Officer, Labour Court  
Jeypore, Dist. Koraput.

*Between:*

The Management of Sanjaya Memorial Institute of Technology, At Brundaban Vihar Ankuspur, At/P. O. Ankuspur Dist. Ganjam. . . First Party—Management

*Versus*

Its workman . . . Second Party—Workman  
Shri Mochia Naik, Sweeper  
S/o Shri Trinath Naik  
At/P.O. Ankuspur, Via Kukudakhandi  
Dist. Ganjam.

Under Sections 10 and 12 of the Industrial Disputes Act, 1947

*Appearances :*

For the Management	.. Shri Rabi Patanaik, A/R of the SMIT, Ankuspur.
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For the Workman	.. Self
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Date of Argument	.. Dt. 11-7-2007
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Date of Award	.. Dt. 20-7-2007
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1. The Government of Orissa in the Labour & Employment Department in exercise of the powers conferred upon them under sub-section (5) of Section 12, read with clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, (14 of 1947) have referred the following disputes vide their Order No. 8957(5), dated the 9th September 2003 for adjudication of the following disputes :—

**SCHEDULE**

“Whether the termination of services of Shri Mochia Naik, Sweeper with effect from the 17th July 2002 by the President, M/s Sanjaya Memorial Institute of Technology, Brundaban Vihar, Ankuspur, Ganjam is legal and/or justified ? If not, to what relief Shri Naik is entitled ?”

**AWARD**

2. This is a case seems to have been originated out of the reference submitted by the Government for determination of the disputed issue regarding the validity of the termination effected by the management in respect of the workman.

3. The Management has contended that in compliance with the Court’s direction appointment has already been given to the workman and he having not been terminated yet the reference should be declared as *null and void*.

4. The workman was initially given a appointment as a Sweeper at the rate of Rs. 500 per month to do eight hours job under the Management. It is contended by the workman that when he demanded his salary and due to defiance attitude shown by the management, he filed the case before the Labour Officer which resulted in disengagement by the Management but subsequently a settlement was effected between him and the management and out of settlement the workman was further engaged on the 3rd March 2007 and continued in job till yet. The workman has also relinquished his back wages on the matter of his re-engagement. Nothing has been indicated by the workman as regards the termination effected by the management except simple denial of opportunity to work for which he was not in a position to

work. Since the workman has not disputed termination the question of determination of the legality of the same does not aries. So the reference can be considered to be misconceived.

4. The workman having been reinstated in the former post and claim of the back wages having been relinquished no relief is required to be ordered by this Court.

ORDER

The Misc. case is dismissed on contest.

Dictated and corrected by me.

G. K. MISHRA  
20-7-2007  
Presiding Officer  
Labour Court, Jeypore

G. K. MISHRA  
20-7-2007  
Presiding Officer  
Labour Court, Jeypore

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By order of the Governor  
P. MALLICK  
Under-Secretary to Government